Facilities afforded to Sir C. V. Raman for Science Researches.

Q.—178. Sri B. CHIKKANNA (Javagal).—

Will the Government be pleased to state:—

(*a*) the amount that is being paid by them every year to Sir C. V. Raman for the researches in Science conducted by him;

(*b*) whether any land for constructing buildings, etc., has been granted to that institution;

(*c*) if so, how many acres of land have been granted ?

A.—Sri K. HANUMANTHAIYA (Chief Minister).—

(*a*) For the year 1953-54.—

(i) Rs. 2,000 towards the publication of the Journal of Proceedings of the Indian Academy of Sciences, Bangalore, of which Dr. C. V. Raman is the President;

(ii) Rs 3,000 towards maintenance of the Indian Academy of Sciences, Bangalore.

(*b*) Yes.

(*c*) (i) About 11 acres in 1934, and
(ii) About 4½ acres in 1950.

Denatured spirit and its consumption.

Q.—373. Sri K. PUTTASWAMY (Srirangapatna).—

Will the Government be pleased to state:—

(*a*) the quantity in gallons of denatured spirit that was consumed during the years 1946-47 to 1952-53 (year-war details may be given);

(*b*) whether it is necessary to obtain permits for purchasing denatured spirit; if so, who is the officer that issues the permits;

(*c*) whether it is not true that the denatured spirit is used as substitute drink by persons addicted to drink and is largely consumed in dry districts;

(*d*) the rate and tax per gallon of denatured spirit and that of arrack;

(*e*) whether it has come to their notice that effective steps have not been taken to check the increase in consumption of denatured spirit ?

A.—Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—

(*a*)—

	Year		*Quantity*
1.	1946-47	...	12,968 gallons.
2.	1947-48	...	15,791 ,,
3.	1948-49	...	27,229 ,,
4.	1949-50	...	20,388 ,,
5.	1950-51	...	5,87,005 ,,
6.	1951-52	...	1,80,293 ,,
7.	1952-53	...	1,98,196 ,,

(*b*) Yes. The Deputy Commissioner.

(*c*) Such instances have not come to notice in any district except Bangalore.

(*d*) Licence fee on denatured spirit per Imperial gallon is Rs. 2-8-0 (revised); price charged by the Sugar Company is reported to be Rs. 3 per gallon.

Arrack :—Duty Rs. 9 per gallon (excluding cess).

Price Rs. 2-8-0 per gallon.

(*e*) Steps are being taken to decrease the consumption of denatured spirit.

INTRODUCTION OF BILLS.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Labour).—Sir, I beg to introduce the Mysore Shops and Establishments (Extension to Bellary) Bill, 1954.

Sir, I beg to introduce the Mysore Maternity Benefit (Extension to Bellary), Bill, 1954.

MYSORE (PERSONAL AND MISCELLANEOUS) INAMS ABOLITION BILL, 1953.

Motion to consider.— (contd.)

Mr. SPEAKER. Consideration of Bills. Yesterday Sri M. V. Rama Rao had not yet concluded his speech. He will continue now.

Sri M. V. RAMA RAO (Tumkur).— Sir, yesterday I was dealing with the extended definition of 'permanent tenant' contained in the Bill as reported by the Select Committee when the House rose for the day. Sir, the most significant addition to the generally accepted definition of the expression 'permanent tenant' which has been made by the enlarged definition is the addition of a class of tenants who have been cultivating land on any tenure whatever for a period of 12 years at least prior to 1954. That, in effect, is the significance of the enlarged definition of 'permanent tenant'. It was pointed out yesterday that neither the period of 12 years nor the payment of fixed rent was the most important feature of permanent tenancy and that the permanent tenancy might arise under one or the other of the numerous categories originally contained in Section 79 of the Land Revenue Code or under any of those other categories which were subsequently added to Section 79. It will be seen, Sir, from Section 79 of the Land Revenue Code which is just a little less than two whole pages of this book--that the permanancy of a tenant s tenure would be presumed in certain cases and would have to be established as a matter of fact by evidence in other cases. What the section originally provided for was that " where by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming and there is no such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him."

This was the section in so far as it dealt with the duration of the tenancy before the amendment was made in the year 1928 by Section 6 of the Amending Act No. XVII. What the amending Act did was to add an explanation to the Section. It lays down four different sets of circumstances under which such a presumption shall be made as to the nature of the tenancy:

(1) where the tenant has been recognisod as a permanent tenant by the landlord or by a Court in a suit to which the landlord was a party;

(2) where a tenant holds land in respect of which any alienation has been recognised by the landlord or by a Court in a suit to which the landlord was a party or where the alienation has not been contested by the landlord for twelve years from the date of the service of notice of alienation to the landlord;

(3) where for the better cultivation of the holding the tenant has made permanent improvements thereon to the knowledge of the landlord and has been in undisturbed possession of the holding continuously for twelve years thereafter: provided that the landlord has made no contribution for such improvements nor recovered enhanced rent from the tenant nor given any notice in writing to the tenant that such improvements would not create any new rights;

(4) where, in the absence of a contract regarding the nature and duration of the tenancy, the tenant has established that he has been in continuous possession on payment of fixed rent for a period of twelve years or more.

(Originally the period was 20 years. Later on it was amended by the Act of 1939 and the period was reduced to twelve years from twenty).

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord receives, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or

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otherwise) to enhance the rent payable, or services renderable, by the tenant, or to evict the tenant for non-payment of the rent, or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid."

It is perfectly clear that where the circumstances will not enable the Court or any other authority investigating the matter to raise a presumption as to permanent tenancy, evidence must be let in, must be adduced, in order to prove the nature of the tenure and the duration of the tenancy. Therefore, our concern for those tenants who might not have documentary evidence of the nature or duration of their tenancy should not make us oblivious or forgetful of the duty which will be cast upon those tenants to establish the nature and duration of their tenure before the authority contemplated by this Bill. In order to prove possession as tenant of a holding in a Inam village for even a lesser period of years, whether we fix the period of years at twelve or six or even three, some kind of evidence must be there in order to enable the authority investigating the matter to come to a conclusion as to the nature of the right enjoyed by a person claiming the particular interest and the duration of the exercise or enjoyment of that right. Therefore, to say that a considerable number of persons would have no manner of evidence to prove a continuity of tenure for twelve years would not either solve the difficulty of such tenants nor would the reduction of the period of years make any difference to the standard of proof that would be required or would be insisted upon before any rights could be recognised by the authority. If a person has nothing to show as evidence of the duration of his tenure or even the fact of his tenancy except his own statement or the statement of others, then essentially, this is a matter of personal credibility. If the oral testimony of the claimant or of the witness whom he can produce before the authority is considered credible evidence by the authority which hears that evidence, he will get whatever rights may be established by such evidence. If the prescribed authority does not attach any significance or importance to mere oral testimony regarding the duration or the nature of a tenure or tenancy in land, then the fact that the tenant or the claimant has nothing other than oral evidence would put him, would continue to put him in the same unsatisfactory position as he is today in. This is a fact which should make us examine what is the manner in which we can deal with tenants as a class.

Sir, the expression 'tenant,' the expression 'cultivator,' the expression 'agriculturist'—these expressions are used with different connotations in mind by different persons who use the expressions. It is difficult to find any final or any statutory definition of these expressions which can be of universal application so that we may strightaway proceed to act upon these established legal connotation of any particular expression. In the Census Report of 1951 tables of which have been prepared and published under the authority of the Central Government and jointly under the authority of the Census Commissioner for the Mysore State, separate compilations have been made of persons engaged in agriculture; of cultivators who own the land which they cultivate; cultivators who do not own the land which they cultivate; and of persons who are mere agricultural labourers who cannot be said to be cultivating land except by their contributing physical bodily labour to the task of cultivation of land. These distinctions, though they may be tiresome and perhaps uninteresting, are really important and significant because we ought to know who are the tenants, who are the cultivators of land, who are those who derive an "unearned income" from land or by holding land. What is the number of persons who stand to be deprived of interests in land? What is the number of persons who stand to be vested with new rights in land which they did not possess before. What is the nature and what is the worth of these extended rights which are going to be vested in those who have remained tenants for a hundred years or more? These are the things

which we have got to see and satisfy ourselves about.

Sir, on page 41, Vol. 14 of the Census of India, 1951 which relates to the State of Mysore, it is said that four simple contractions have been provided which will cover most cases where the livelihood is dependent on agriculture.—

(1) For a person who cultivates land owned by him ;
(2) For a person who cultivates land owned by another person ;
(3) For a person who is employed as labourer for another person who cultivates the land ;
(4) For a person who receives rent in cash or kind in respect of land which is cultivated by another person.

These are the four broad classifications which have been made in respect of people who are concerned with agriculture and lands and the word ' owned ' used in relation to land includes every tenure which involves permanent tenure of occupancy of land for the purpose of cultivation. Such right should be heritable. It may be, but it need not be necessarily transferable. This is the connotation which the word ' owned ' carries according to this compilation and the explanation on page 41.

Then, on page 43, the distinction between cultivation of the land and performance of labour necessary for cultivating the land is explained. There are of course, millions of persons who perform both functions, that is, cultivate the land as well as perform the labour necessary for cultivating the land. But the functions should be distinguishable and should be distinguished. He who takes the responsibility, directs the process of cultivation, for example, when and where to plough, when and what to sow, where and when to reap and so on, it is this person who should be referred to as cultivator even though he does not perform any manual labour whatever. The man who ploughs or sows or reaps under the direction of someone else is not the cultivator but the cultivating labourer, a different thing altogether. Cultivator may be the owner of the land cultivated. This is on page 44. In that case, he is category one whether or not he also appoints himself the cultivating labourer. Alternatively, the cultivator may be a lessee, the agent or manager paid or unpaid. Even in this case it is immaterial whether this lessee or agent or manager also appoints himself to perform the function of cultivating labourer. This cultivator is category two and the other persons category four. Applying this principle in answer to the question, what is the category of a minor, a blind person or a lady who has land in his or her name who gets it cultivated by labour ? Is it category one or category four ? The answer depends on whether the minor, blind person or the lady does or does not actually direct the process of cultivation. If the person does this, the answer is category one ; otherwise, the answer is category four. If there is direction of the process of cultivation, the person would be a cultivator. If the person derived an income from lands without taking the trouble even to direct the process of the cultivation, he would be merely deriving the income from the land without engaging himself in the cultivation of the land in any sense of the expression whatever.

These, Sir, are the broad classifications which have been made during the Census enumeration of 1951 and the results of the enumeration in respect of agriculture in Mysore State are exceedingly informative and interesting. I do not propose to take up the time of the House in reading out all the figures. I shall however read out the total of each of their four classifications.

Sir, the entire population of the State of Mysore according to the Census of 1951 is 90.74 lakhs roughly. Of this population 68.96 lakhs is rural and 21.78 lakhs urban. Then, agricultural classes—category one—cultivators of land wholely or mainly owned and their dependants, the total is 50.32 lakhs. This is made up of 48.76 lakhs rural and 1.55 lakhs urban. Then, cultivators of land wholely or mainly unowned

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and their dependants, the total number of persons in this class is 4.32 lakhs made up of 3.93 lakhs rural and 0.39 lakh urban. Sir, I am repeating figures in class 2. The total number of cultivators of land wholely or mainly unowned and their dependants is 4.32 lakhs made up of 3.93 lakhs rural and 0.39 lakh urban. Then, in the case of class 3, cultivating labourers and their dependants who have no manner of rights in any land whatever, the total number is 6.15 lakhs made up of 5.75 lakhs rural and 0.39 lakh urban. Then, in class 4 consisting non-cultivating owners of land, agricultural rent receivers and their dependants, the total number of persons in this class is 2.62 lakhs made up of 2.06 lakhs rural and 0.56 lakh urban.

2 P.M.

These figures should enable us to understand the actual state of agricultural economy in our State. Out of a total population of 90 and odd lakhs of persons... ....

Sri S. GOPALA GOWDA (Sagar and Hosanagar).—Excluding Bellary.

Sri M. V. RAMA RAO.—This does not include Bellary District. The Census was taken before the addition of Bellary to Mysore State.

Mr. SPEAKER.—Both are correct.

Sri M. V. RAMA RAO.—The total number of persons who would come under agricultural classes would be roughly 62 or 63 lakhs of persons of whom the number of tenant cultivators would be 4.32 lakhs and the number of cultivating labourers who have not even tenancy rights would be 6.15 lakhs as against 50.32 lakhs of persons cultivating land owned by themselves and also as against 2.62 lakhs of persons not cultivating their own land but deriving income by way of rent in cash or kind. Now out of this total of 4.32 lakhs put down as tenants, what would be the proportion of tenants in inam villages is again a rough matter of calculation because as I ascertained from the Census Commissioner earlier in the course of the day, no separate compilation has been made or is proposed to be undertaken of the number of tenants in raiyatwari villages and inam or alienated villages separatly, probably because there would be no inam villages hereafter. Seeing that the total extent of land comprised in inams and inam villages is about 8 lakhs of acres which is less than one-tenth of the entire extent of occupied land in the State at psesent and that the total number of tenant-cultivators in the State is 4.32 lakhs, the number of tenants that we would be dealing with in inam villages and inams of all kinds whatever would be not more than 43 thousands. That, curiously enough, happens to be more than 50 per cent of the figure either erroneously or inaccurately put down as representing the total numbe r of tenants of all kinds for the whole State 20 years ago. The Census Report of 1931 mentions that the total number of tenant-cultivators in the State of Mysore was 75,345.

Sri B. HUTCHE GOWDA (Turuvekere).—Is it the principle or the system the Hon'ble Member is concerned with ? Does he want to change the system ?

Sri M. V. RAMA RAO.—I am not able to hear the Hon'ble Member.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡ.—ಅವರು ಸಂಖ್ಯೆಯ ಮೇಲೆ ಹೇಳುತ್ತಿದ್ದಾರೆ; ನಾವು ಸಂಖ್ಯೆಯ ಮೇಲೆ ಇದು ಹೋಗಬೇಕೆಂದು ಹೇಳುತ್ತಿಲ್ಲ. ಈ ಇನಾಂ ಪದ್ಧತಿ ಬದಲಾಯಿಸಬೇಕೆಂದು ನಮ್ಮ ವಾದ.

Sri M. V. RAMA RAO.—I am particular both about the principle and the interest ! I am not carried away by a mere slogan ; nor am I going to be charmed by certain legislative proposal because it does not affect me. I propose to take a much more serious view of this legislative measure than my friend the Hon'ble Member from Turuvekere seems to take. He happily and fortunately is not troubled either by statistics or information of any kind whatever and he thinks he has done his duty by the country by standing up and making a statement which commits him to no position, which does not express his views on the acceptability of the legislative measure that is being debated upon by the House and he wants to know whether I shall put myself alongside of him. Let me assure him that I do not intend to do so.

As I was saying, the total number of tenants in inam villages would not exceed 43,000 on the computation that I have just now made. This number we shall be distributing into two broad categories when we seek to invest them with occupancy rights in land. One category will consist of tenants of lands which are comprised in personal and miscellaneous inams and therefore come under the purview of the present Bill ; the other would consist of tenants of Lands which are comprised in religious and charitable inams coming within the purview of the other Bill which has been presented to this House and which will come up for consideration in due course. Seeing that the total extent of land comprised in inams for personal benefit and other inams which are sought to be abolished by this Bill is about 3·7 lakhs of acres and that the total extent of land comprised in religious and charitable inams is about 4·2 lakhs of acres of land, we may take it that the number of tenants in personal and miscellaneous inam lands and the number of tenants in religious and charitable inam lands would be roughly equal—3·7 against 4·2 which would really mean that the total number of tenant-cultivators that we are dealing with under this Bill will not exceed 22,000 at the utmost. Then what is the number of persons who are engaged in agriculture who contribute physical labour and exertion to the task of cultivation and the processes of cultivation but who stand to get nothing out of this Bill ? The number of such persons, the total number of landless agricultural labourers is more than 6 lakhs of persons and the number of labourers on inam lands alone could be roughly put down as sixty thousand persons.

Now,it is for us to examine what benefit if any can be conferred upon this vast landless class which consists of as much as 6 lakhs or more in our State. Would it be possible for Government to provide what may be called an economic holding of land to at least a considerable part of this landless class in order to make them subsist on agriculture carried on on land belonging to themselves ? I seriously doubt whether such a thing could be done with the available land which we have in this country and with the rate of growth of population that the Census Report of 1951 discloses. The total extent of cultivable land not now occupied and still available for disposal at the hands of Government has been put down at the figure of 15·67 lakhs of acres in the year 1947-48 and just a little more, that is, 15·95 lakhs in the year 1949-50. This extent of land even if it could be properly and completely distributed among the landless agriculturist class now subsisting by agricultural labour in the State of Mysore would not enable each person to receive more than 2½ acres of land. This does not, of course, take account of the time-lag which would be necessary for effecting that distribution nor would it take account of the increase in population by the time this distribution will have been made. Having regard to all these factors, I wish to point out that we ought to mark the distinction between cultivation of land and performing the physical tasks necessary for cultivation. A person does not cease to be a cultivator merely because he does not perform the physical tasks necessary for cultivating the land. That, in essence, is the principle followed in the classification made by the Census of India.

While we are dealing with the tenants, we really deal with three classes of tenants. There is absolutely no controversy with regard to the conferment of occupancy rights on kadim tenants in inams. I have not heard a single Hon'ble Member make any objection whatsoever to the conferment of occupancy rights on kadim tenants. That is as it should be because the kadim tenant is virtually the occupant of the land with this little difference that instead of paying the assessment to Government he pays it to the Inamdar and when the Inamdar has been done away with he will naturally pay the assessment to the Government. So, we have no difficulty of any kind in dealing with the kadim tenant ; whether he engages himself personally in cultivating the land, whether he

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performs a single task himself or not, we are not concerned, in conferring the occupancy right of the land on the kadim tenant. Then with regard to the permanent tenant, the controversy centres in equal measure around the permanent tenants and the residuary class of tenants, *i.e.*, the tenants-at-will. I have already read out to the House *in extenso* all that has to be said about the permanent tenant from Section 79 of the Land Revenue Code as amended up-to-date. Clause 2, sub-clause (12), of the Bill as reported by the Select Committee gives the extended definition of the expression 'permanent tenant'. This includes a considerable number of tenants who according to Section 79 of the Land Revenue Code would not be considered permanent tenants either by a Court of Law or by any other authority designated for the determination of the nature of a tenure of tenancy. The new definition of permanent includes also "any person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land thereon himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period not less than twelve years prior to the date of vesting." This, Sir, makes one important departure in principle which it is necessary to bear in mind, not only because there is permanent damage going to be done to a section of the population by the enactment of this legislation, but also because the principle, once accepted in respect of the policy of land reform in this House so far as it pertains to tenants of a certain section of the villages forming the State, would have to be kept in mind when a similar reform is contemplated or proposed to be introduced in respect of the tenants of other villages comprising the State. My friend the Hon'ble the Revenue Minister has assured the House on more than one occasion hat Government do intend to bring in a comprehensive proposal for land reform in respect of raiyatwari lands, as soon as it is possible for the Government to do so.

So, what I should like this House to examine is whether it is practicable and desirable to do away entirely with agricultural leases which have enabled tenants to cultivate on a crop-sharing basis though the land has not been comprised in an inam village and though the landlord paid assessment directly to Government instead of paying to an inamdar as in the case of the inam holding. Do we stand committed to the principle that all agricultural land shall be held only by those who cultivate land themselves personally or by engaging hired labour and hired stock? If that is the principle which has to be applied to the cultivation of the land and the holding of the land, then it would mean that hereafter no land could be got cultivated on the basis of a tenure of *wara* tenancy for instance, which is, generally speaking, a 50 : 50 sharing of the crop raised on the land by the tenant who cultivates it for the owner who makes his own contribution for enabling that cultivation to be carried on by that tenant. If we are including the *wara* tenant in the class of tenants who should be invested with the occupancy right of lands which they cultivate, then we should know that to-day we are committing ourselves to that principle and what is good for the tenant in an inam village must certainly be good for the tenant in the raiyatwari village; and if the holders of the land in the raiyatwari villages in the State of Mysore are all agreeable to the vesting of occupancy rights in the lands comprised in their holdings in the tenants who cultivate those lands on *wara* tenancy, then Sir, I should certainly have no objection to accept that principle for myself. I should welcome it for two reasons. Firstly, we shall have vested the occupancy right of agricultural land in the actual tiller of the soil—a principle to which I as a member of the Party to which I happen to belong have committed myself when I was of mature years and could understand what I was doing. I joined the Congress when I was 30 years old and I knew what I was bargaining for and I am

certainly not alarmed by the prospect of giving the occupancy rights to the tenants of the raiyatwari lands and of the ownership of the land being conferred on the cultivator. I have never cultivaed land myself and I do not pretend that I am a cultivator of the land and I do not claim the privilege or the pride of describing myself as an agriculturist. I am not an agriculturist and I am not a cultivator; and my interest in land or in agriculture is necessarily very limited. But still, while I am prepared to welcome the laying down of a principle that the land should belong to the cultivator, I should like to be assured by the different sections of this House that this really is the principle that is going to be laid down and made applicable not merely to inam villages to-day, not merely to the tenants of inam lands to-day, but in a short time and on the appropriate occasion is going to be made applicable to raiyatwari lands and tenants of raiyatwari lands. I see nothing to be alarmed about in it as I said. The other reason, Sir, is that we shall have declared the principle upon which the redistribution of land is going to be made. When the prevailing system is being done away with, we have to declare unequivocally the principle upon which redistribution of land is going to be made. These are the two reasons for which I would welcome a declaration of the principle which I have just mentioned. But it does not appear to me that such is the prevailing impression either in the minds of the Hon'ble Members of this House or in the minds of the population whom we represent in this House and whose spokesmen we happen to be today. A detailed reading of the provisions of the Bill either as originally introduced in the House or as reported by the Select Committee and now being debated upon would well repay study and I would very respectfully urge upon every Hon'ble Member to spend a few minutes of his time to read these provisions in the language with which he is familiar and to understand the significance of these clauses and to decide for himself whether the principle of redistribution of land which he finds in these clauses is really the principle which he would like to have applied to himself. If that is done, I have no doubt whatever that we shall be able to evolve a principle for the redistribution of land which will be realistic and which will be free from those controversies and difficulties which will not be ended so long as we deal merely with phrases the true import of which is now understood differently by different Members. The third class of tenants, the tenants-at-will, also presents an equal amount of difficulty both in inam villages under this Bill as well as in the raiyatwari villages. I shall confine my remarks only to the tenants-at-will in the inam villages. What is it, I should like to know, that this Bill has done for them? I do not claim to champion the cause of the tenant at the expense of the inamdar, nor do I believe in championing the cause of the inamdar at the expense of the tenant. I should merely ask that we should be just before we are generous. Let us be just not merely to the inamdar or the permanent tenant or the kadim tenant; let us be just to the tenants-at-will as well. What is it that the tenants-at-will who, to my knowledge and according to my information, form the bulk of the tenantry in Mysore in the inam villages will get? I am confirmed in what I say also by the observations which have been made during the course of the debate on this report by my friend Sri H. C. Linga Reddy from Kolar District. The number of tenants-at-will is as considerable a number as the rest of them all put together, perhaps more, but certainly not less. If tenants-at-will get nothing by way of benefit out of this Bill, how are they to be dealt with and when and how will the occupancy right in the lands of which they will continue to be tenants-at-will be conferred upon them on a future occasion?

2-30 P.M.

That is a thing which I have no been able to understand. Upon the passing of this Bill into law, it may be today or tomorrow but undoubtedly

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during the course of this session,—upon the passing of this Bill into law, tenants-at-will who do not get any occupancy rights in the land of which they are tenants will be remaining in the same position which they held before this Bill was passed into law with this little improvement in their position that the provisions of the Mysore Tenancy Act of 1952 have been extended to the whole State and therefore they woud get the benefit of the extended application of that Act; whatever benefit or whatever immunity from the notorious persecutions of the inamdars these tenants will get, whatever relief they will get, they would get not because of this Inam Abolition Bill that would be passed into law but under two other different enactments which are already law. The first is the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act of 1950 and the other is the Mysore Tenancy Act of 1952. These are the two enactments which confer benefits, if any, upon this large class of tenants-at-will.

I should like to ask the Government to state with certainty, if not categorically, how it is proposed to confer occupancy rights on this class of tenants hereafter. Is it proposed that they should be registered as occupants of the land of which they are now tenants-at-will and of which they will continue to be tenants under the application of the Tenancy Act of 1952? If the tenants-at-will in the year 1954 are assured of a continuous tenure and tenancy for a period of five years and remain tenants in the year 1959, is it our proposal that occupancy rights would be or should be conferred upon those tenants in the year 1959 or the year 1960? Is that our proposition? And whose lands are going to be given to these tenants-at-will for their being registered as occupants thereof? Would it be land held by the owners of ryotwari lands of which these tenants would be tenants-at-will, or is it contemplated that other cultivable land now not under occupation should be parcelled out in separate and distinct holdings and only the newly carved out holdings should be vested in these tenants-at-will hereafter? We should not be prevented from making a thorough examination of these questions here on the floor of this House before we express our assent or our opposition to this legislative measure. If we commit ourselves to the principle that the land should belong to the person who has been continuously a tenant, whatever may be the tenure, whether it is a permanent tenure with fixed rent payable or whether it is a different kind of tenure such as *wara* tenure where there is fifty-fifty sharing of the produce; and that irrespective of the nature of the tenure, a tenant who has had continuous tenure enjoyment of the land for a period of twelve years or any other period that we may think fit to prescribe, should have the occupancy right of that land, then, let us say so unequivocally. Let us commit ourselves to it and let us take consequences and, as I have said, I say again at the risk of making a repetition, I am not afraid of it. I have certainly something to lose if such a principle is accepted by this House. I would not grieve over that loss; I would give up whatever little I have so that others who are in a less prosperous condition than myself may come up to my position. I do not envy those who have more than what I happen to have. I am certainly sorry for those who are not as happy as I am. I should like that all of us should be able to do something for those who have no land, who have no tenure, who have nothing except their hands and their legs. Let us do whatever we can for rehabilitating people who are to-day landless and who are the disinherited of the earth. Let us do whatever we can. Let us do it with a sense of responsibility and let us do it in a spirit of service and without prejudicing ourselves either intentionally or unintentionally against sections of the population who for no fault of their own today come to be regarded as a class of idlers living on unearned income.

Sir, I have spent considerable time of the House in offering my observations on this Bill and I think I owe it to the House that I should conclude

my remarks as early as I can and I shall do that after I have expressed my appreciation of some of the provisions which have been omitted from all the references that have been made during the course of the debate. The good points of this Bill which I have taken some trouble to discover are these, and I am sure my friend the Hon'ble the Revenue Minister who rarely heard me speak in appreciation of whatever has been brought up by Government will appreciate my referring to these good points.

Sri Kadidal MANJAPPA.—Thank you.

Sri M. V. RAMA RAO.—Sir, Chapter IV of this Bill which provides for appeal, reference and revision in the case of disputes which would arise and which deals with the investigations which would have to be made, is, in my opinion, as satisfactory as any Government or any Select Committee could make it. It will be seen, Sir,.....

Sri T. MARIAPPA (Mysore City—North).—Chapter IV of the original Bill or the Select Committee ?

Sri M. V. RAMA RAO.—Chapter IV of the Bill as reported by the Select Committee. Sir, the original number of that Chapter was V ; in the Report of the Select Committee, it is IV. (Sri H. C. Linga Reddy interrupted). Sir, Sri Linga Reddy is very modest because though he has exerted himself very strenuously in the Select Committee as I happen to know to some extent and has also taken the trouble to append a Minute of Dissent which is twice as long as the Report itself, he says that only the number of the Chapter is changed. It is not so. Sir. Certain expressions have been newly introduced and some modifications have certainly been made in the sections of Chapter IV. It will be seen, Sir, that a Special Tribunal will be set up which will consist of a District Judge for adjudicating upon the matters that will be referred to such Tribunal. Any person aggrieved by a decision of the Deputy Commisssioner under Section 9 or 10 can appeal to the prescribed authority and its decision will be final under clause 27. The Deputy Commissioner, it is further provided in clause 28, may either himself or on application make a reference to the Special Tribunal in respect of the apportionment of compensation and persons aggrieved by the decision of the Deputy Commissioner under clauses 21, 22, 23 or 24 are given a right of appealing to the Special Tribunal under clause 29.

Clause 30 provides for an appeal to the High Court from the decision of the Special Tribunal under sections 28 and 29. It is further provided in clause 30 that " The High Court may also in its discretion at any time, either *suo motu* or on the application of any person, call for and examine the records of any order passed or proceedings taken by the Deputy Commissioner (except those referred to in Section 27) or by the Special Tribunal under this Act for the purpose of satisfying itself as to the legality, regularity or propriety of such order, decision or proceeding and pass such order in reference thereto as it thinks fit.

" Provided that the total compensation payable in respect of any inam shall not be reduced by the High Court without giving every inamdar concerned and every person who has made an application under sub-section (2) of section 19, a reasonable opportunity of being heard.

Save as otherwise provided in this Act, no order passed by the Deputy Commissioner or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the High Court as aforesaid or to be questioned in any court of law."

These provisions, Sir, I consider to be not only reasonable but as calculated to safeguard the interest of whoever may feel aggrieved when investigations are made by the revenue authorities of the nature of the rights in land enjoyed by the persons concerned. I find that here a legislative enactment deliberately omits to provide for an appeal or expressly declares that no appeal shall lie from the decision of the prescribed authority in any matter coming within the purview of

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the legislative enactment where an appeal should ordinarily lie to a court or other higher authority designated for that purpose, the aggrieved person is inevitably driven to test the validity or the legality of the decision of the prescribed authority by means of a petition for the issue of an appropriate direction or writ from the High Court. This extraordinary procedure would not be necessary if a reasonable and proper remedy by of way appeal or revision or reference th a judical authority is provided in the legislative enactment itself, The other day, Sir, when this House was debating the House Rent and Accommodation Control Bills which this House passed, I had occasion to make reference to this point, because in Clause 4 of that Bill it has been laid down that no appeal shall lie from any order made or any action taken under sub-section (8) of section 3, of the amended Act. I was then saying that aggrieved persons who are thus deprived of a legal remedy legitimately due to them would be driven to seek relief at the hands of the High Court which alone would have power to decide about the legality or the validity of any proceedings, executive or judicial. Therefore, Sir, I particularly welcome the provisions contained in Chapter IV because it makes reasonable provision for seeking relief by way of appeal to a higher authority.

Sir, the last point that I would like to deal with is Clause 16. Clause 16 lays down the manner of computing the compensation payable in respect of any inam after this Bill becomes law. The clause says :

"Save as otherwise provided in Section 25, the total compensation payable in respect of any inam shall be the aggregate of the sums specified below :—

(i) a sum equal to twenty times the amount of rent derived by the inamdar concerned from kadim tenants entitled to be registered under section 4 ;

(ii) a sum equal to seventy-five per centum of the amount payable by the permanent tenants of the tenants of the inamdar under sub-section (2) of section 5 in respect of lands of which they are entitled to be registered as occupants under sub-section (1) of the said section 5 ;

(iii) a sum calculated at the rates specified below in respect of lands referred to in clause (iii) of sub-section (1) of section 6 or section 8.—

(*a*) seventy-five rupees per acre within the municipal limits of the Cities of Bangalore, Mysore and Davangere and within an area of one mile from such limits ;

(*b*) forty rupees per acre within the municipal limits of the towns of Kolar, Tumkur, Chitaldrug, Shimoga, Bhadravathi, Chickmagalur, Hassan and Mandya and the limits of the Kolar Gold Fields Sanitary Board Area and within an area of one mile from such limits ; and

(*c*) twenty rupees per acre in all other areas ;

(iv) a sum equal to twenty times the jodi, quit-rent or other amount, if any, of like nature, derived by the inamdar concerned from persons holding minor inams under such inamdar ;

(v) a sum equal to ten times the average net annual income derived by the inamdar during a period five years immediately preceding the date of vesting, from lands other than lands referred to in clause (iii) and lands in respect of which any person is entitled to be registered under sections 4, 5, 6, 7 and 8 ;

Provided that—

(*a*) the income from sandalwood or any other forest produce shall not be included in the annual income from forests unless

the right thereto was expressly conferred on the inamdar by a competent authority;

(*b*) the income from royalty on minerals or from mining leases shall not be included in the annual income unless the right to such minerals or mines was expressly conferred on the inamdar by a competent authority and such right was recognised under section 38 of the Land Revenue Code;

(*c*) the income from ferries shall not be included unless the right to such ferries was expressly granted to the inamdar by a competent authority";

Then sub-clause (2) of Clause 16:

"(2) Where the particulars necessary to compute the average net annual income under clause (v) of sub-section (1) are not available for the full period or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(3) The provision of sub-section (i) shall, in their application to a minor Inam be subject to the modification that in clause (iii) and clause (v), the reference to sections 6, 7 and 8, respectively shall be omitted."

Though the scheme of compensation is quite elaborate what does it really amount to in view of the enlarged definition of 'permanent tenant', is the thing that I should like the House to examine. If the number of kadim tenants in an Inam is very inconsiderable as has been repeatedly stated by more than one speaker, a sum equal to twenty times the amount of rent derived from the kadim tenant would not be much. It would be an exceedingly small sum of money. Then a sum equal to seventy-five per cent of the amount payable by the permanent tenant would be payable to the inamdar. What is the amount of money that would be payable by permanent tenant? That would have to be determined according to the region and according to the class of land of which the occ pancy right would be conferred on the permanent tenant. This Schedule under section 5, sub-section (2) which has been appended to this Bill by the Joint Select Committee to replace the original basis of computation of the value of land which was mentioned as the market value of the land does make a substantial difference and I should think that so far as the tenant is concerned, it does give him a considerable measure of relief. Where a permanent tenant had to pay 50 per cent of the market value of the land under the provisions of the original Bill, he would now pay either the basic value per acre or the number of times the land revenue put down as a multiple of land revenue in respect of each class of land. It may be that in respect of dry land this relief to the tenant could be grudged neither by the inamdar nor by any other; but it can happen that in the case of wet land and bagayat land, the payment of the basic value per acre or a number of times the land revenue would not compare properly with the prevailing market value of such class of land. This, while it is to be welcomed as a measure of relief to the tenant so far as he is concerned, should also be examined to see whether it is reasonable, if not adequate, compensation for the deprivation of the proprietory rights of the inamdar. It cannot be assumed as a general proposition valid in all cases that any improvement either to the quality of the land or in the value of the property consisting of agricultural land is the direct result only of the labour contributed by the tenant or of the hired labour that may have been employed by a tenant. It might also be in part contributed by the outlay incurred or the expenditure incurred by the person who thought he would be the owner of it for all time. Therefore, while I do not hesitate to welcome the relief that is provided by this alternative scheme of compensation to the tenant who will get the occupancy rights on payment of a premium, I do wish that this scheme should take some account of the serious disparity between the prevailing market values and the prescribed basic

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values and the prescribed multiples of land revenue in respect of such land. Then after the enlargement of the definition of 'permanent tenant', what is it that would be left.....

Sri H. K. VEERANNA GOWDH.—We may resume discussion after lunch.

Mr. SPEAKER.—What time you would take ?

Sri M. V. RAMA RAO.—I would not take any more time. I would be able to finish in about 10 or 15 minutes.

Mr. SPEAKER.—Then we shall meet after tea.

The House adjourned for Lunch at Three of the Clock and reassembled at Thirty-five Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair.]

Sri M. V. RAMA RAO.—I was saying that in view of the enlarged definition of permanent tenant, a large number of tenants at will would be included in the new definition. And therefore, it would only be 75 per cent of the amount paid by them for acquiring occupancy rights that would be payable towards the compensation to the inamdar under paragraph (ii) of sub-clause (1) of clause 16. Therefore, the amount that would be computable under paras (iv) and (v) of sub-clause (1) would be considerably reduced and the total amount of compensation would be really worked down to a very much smaller sum than would have been paid under the original scheme of compensation envisaged in the original Bill. Under paragraph (iv) "a sum equal to 20 times the jodi, quit-rent or other amount, if any, of like nature, derived by the inamdar concerned from persons holding minor inams under such inamdar." Naturally would depend upon the number of such minor inams and the amount of jodi or quitrent that the inamdar was receiving from the holders of that minor inam within the inam village. Under paragraph (v) "a sum equal to ten times the average net annual income derived by the inamdar during the period of five years immediately preceding the date of vesting, from lands other than lands referred to in clause (iii) and lands in respect of which any person is entitled to be registered under sections 4, 5, 6, 7, and 8" would de payble. The effect of enlarging the definition of a permanent tenant would be to reduce the number of tenants-at-will to a very small number and therefore the computation of 10 times the average net annual income derived by the inamdar from such tenants under paragraph (v) would not make any considerable contribution to the aggregate amount of compensation which the inamdar ultimately would receive. These are the factors which deserve a little more consideration at the hands of the Government as well as this House. I do not know Sir, whether the Hon'ble the Revenue Minister who has heard all that I and other Hon'ble Members have had to say on this Bill now has been thinking of suggesting any further modifications to the Bill as reported by the Select Committee. If he has any further modifications in mind I would not seek to anticipate those modifications and say anything in respect of them. I should wait patiently until those suggestions come, if they are on the way. But as I do not happen to know whether they are in the process of coming to us in concrete shape now or a little later on, I shall make some further comment in respect of the modifications which I consider would improve this Bill even as reported by the Select Committee. The main thing as I was saying is that after the abolition of inam tenure, the tenants of inam villages must have enjoyment of proprietary rights in land which are substantial and which are not merely illusory.

I say this because the payment of the premium for acquiring occupancy rights in the land which was held on a tenancy basis by the actual cultivator will compel the tenant to resort to money-lenders or other persons who may be in a position to lend him the money for paying the Government in order to acquire the occupancy rights. It is not as if the tenants especially in the inam villages would

have a surplus income which they could easily devote to this purpose and make a payment straightaway to the Government in order to acquire occupancy rights which this Bill seeks to confer on them. I am sure the Hon'ble the Revenue Minister as well as a large number of Hon'ble members of this House are certainly aware that in numerous instances not merely in one particular inam village or even in one particular district but all over the State, transactions have been completed, frauds have been committed and fraudulent and pretentious transfers have been effected by those who have obtained payment of considerable sums of money from tenants on the pretext that real and enduring occupancy rights would be conferred upon the tenants who made these payments. A person who was not really a permanent tenant would have been easily beguiled by an inamdar into believing that he would get an occupancy right which was not merely heritable but also transferable on payment of a certain amount of money to the inamdar who purported to enlarge the proprietory interest which the tenant originally had in the holding. Such cases have happened; such cases would be found in plenty as the Deputy Commissioners or other officers who make this investigation will in course of time discover and disclose to the general public. In numerous cases money has been recovered from a tenant on the pretext that his interest in the land would be enlarged so as to be similar to the right of an occupant of a land in a raiyatwari village. When this Bill becomes law and whenthe tenant comes before the Deputy Commissioner and puts forth his claim that he has been a permanent tenant ofthe land or that occupancy right has been conferred on him already and therefore he is not liable to make any further payment for obtaining occupancy right of a particular holding—when such a claim is made before the Deputy Commissioner, it would be found that the liability of the tenant to make further payment of the premium or price that is prescribed by clause 5 of this Bill, cannot be avoided even if, as a matter of fact, a prior payment of a considerable sum of money had been made by the tenant to the inamdar in the vain belief that he was obtaining an enlarged proprietory right in the land. This kind of thing has not happened merely in a few isolated instances or in any particular region as I was saying, but must have happened, I presume, all over the State and in thousands of cases. The poor tenants who must have had recourse to borrowing or the pledging or selling of moveables or other effects in order to find this money to pay to the inamdar to acquire or obtain enlarged occupancy right would be disillusioned when they come up and put their claims and rights before the investigating authority. How can the Legislature make provision for the avoidance of the double payment by the tenant? It is an exceedingly difficult problem for the administration and I can certainly understand the difficulties as well as the sympathies which my Hon'ble friend the Revenue Minister must be feeling on behalf of that class of persons whom this Bill is intended to benefit. Therefore, Sir, as I was saying, the main theme of all the observations that I have made on this Bill is that unless the principle on which occupancy right in land will be conferred on a person is laid down unequivocally, neither the complications nor the difficulties can be resolved by merely redrafting a clause or by working out an alternative scheme of compensation or by reducing the amount of money payable by the tenant or by increasing the amount of compensation payable to the inamdar. If the principle on which redistribution of agricultural land will be made is established beyond doubt then all other difficulties that might arise in effecting that redistribution could be met because everybody would know where he stands in the future system of land holding in the State of Mysore. If the principle of redistribution is established as the actual personal cultivation of the land by the holder in order to entitle him to the occupanck right of land, the scheme would wory in a particular manner. If it is some-

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thing else, the scheme would work in a different manner. If the land cultivated by tenants on a crop-sharing basis should hereafter, belong to the tenant cultivators then, we shall be virtually putting an end to all agricultural lease in the State of Mysore hereafter. No land can, without risk of the land ultimately going to the tenant cultivator himself after a period of years, be got cultivated on a *wara* basis or *gutta* basis, on a crop sharing basis or on the basis of receiving a stipulated rent in cash or in kind or in both. I am not quite sure that that is the intention of either the Government or of this House generally, as far as I can understand the mood of the House and the thoughts so far expressed by the Hon'ble Members who have participated in this debate. If agricultural lease are not to be tolerated hereafter the simplest way of doing it, both in inams as well as in ryotwari lands, would be to say so and to get the necessary amendments effected in the Transfer of Property Act and other enactments which deal with agricultural lease. What we do now is—we first legislate in order to provide security of tenure for tenants. We enact the tenancy law. We extend it to the entire State of Mysore including the ryotwari lands as well as inam lands. Under the provisions of the Tenancy Act continuity of tenure is established, is safeguarded and is granted to the tenant cultivator. The minimum period of years fixed in the Tenancy Act as it is now in force is a period of five years and this period of five years will be computed from the day on which the application of the Act was extended to the particular area. Since the application of the Act has been extended to the entire State of Mysore from the 1st January 1954 every holding of land, whether in an inam village or in a ryotwari village, is governed by the provisions of the Tenancy Act of 1952. No tenant of land, whether on a *wara* tenure or on a *gutta* tenure or on any other tenure, and whether the tenancy terms stipulate for the sharing of the produce or whether the tenancy terms stipulate for payment a fixed rent in cash or in kind or in both, whatever may be the incidents of the tenure, the period of tenancy for a minimum duration of five years is safeguarded for the tenant. Suppose we bring forward a measure next which provides for the ripening of these tenants' rights by virtue of the continuous period of possession and enjoyment as tenants of agricultural land for a period of five years, into occupancy rights—suppose we provide for the ripening of that tenancy right into the occupancy right—what would be the effect of that legislation on those who are not able to cultivate land personally and who are compelled to have it cultivated by tenants and on all those who happen to have more land than can be cultivated personally by one holder ? It logically leads to the redistribution of land on the basis of personal cultivation of an economic holding. It also logically leads to the imposition of a ceiling limit on the holding of land and it inevitably requires that no land can be allowed to be held by a person who does not cultivate the land himself. That would be the complete logic of it. If we are alive to all the implications of the extended application of the Tenancy Act, and the impending extended duration of the term which shall be the minimum period of tenancy under the Tenancy Act and the other consequential matters that would arise therefrom it will be easily seen that this is only the beginning of the process of giving the land to the cultivator, the tiller of the soil, the actual physical cultivator.

4 P.M.

That principle I welcome. I am not alarmed by it and I shall not hesitate to conform to it and I shall be the first to congratulate the Government if they will declare that principle and assure this House that that principle would be applied without distinction and without discrimination to all agricultural land by whomsoever held, whether in inams or in raiyatwari villages throughout the State. Without infringing upon the privilege that should attach to the deliberations of the Select

Committee, I should like to say that my esteemed friend Sri Pattabhiraman did ask whether the principle of redistribution of land should not be determined first before the way of effecting that distribution was prescribed. He as well as many other Hon'ble Members of the Select Committee attempted continuously to persuade the Government to declare the principle first and enable everybody in the country to know what is coming, so that nobody's views may be expressed without full and complete information or with any mental reservation or with any uncertainty as to the shape of things to come. Let us by all means give the land to the cultivator ; let us by all means call the actual cultivator of the soil the occupant and the owner of the land. Let us do it boldly if we mean it. Let us not say so to one set of persons only with reservation in mind or up our sleeve towards another set of persons. I have no doubt whatever in my mind as to how the next measure seeking to effect similar reforms in land comprised in raiyatwari holdings will be received in this House. Whether I continue to be a member with the time it is introduced in this House or not, I have no doubt of the fate of such a measure in this House. I have my fingers correctly placed on the pulse of that section of the country which has spent its life time in the present as well as in the past generation acquiring landed property by fair means or by unfair means, by paying honest money or by abusing the privilege and position in official or non-official life. I know what methods have been employed by persons who to-day happen to possess a considerable landed estates, how much money has been really expended on the acquisition of these estates and what a tough fight would be put up against this attempt to deprive them of property which has cost so much of money and so much effort. Therefore, I say, let us be just before we seem to be generous. If we are just to the tenants-at-will, if we are just to the permanent tenants without enlarging the definition, if we are just to the kadim tenants, if we are just to the agricultural labourers, we cannot be other than just to a small handful of Inamdars who have outlived their natural term and who will undoubtedly be wiped out in the present phase of civilisation. I shall not oppose the abolition of the inam tenure. Let the tenant and also the landless cultivator get their legitimate share in the land. Let us do what we can to enable the landless to get land, to enable the man who puts hard physical labour into the processes of agriculture in order to eke out a precarious and an uninsured existence. Let us do our best to ensure to him an occupancy right that is not illusory, that does not cost him more than he can afford and that does not compel him to become the underling of the money-lender instead of the underling of the absentee landlord.

Sir. with these observations I shall conclude my speech and I would earnestly request my friend the Hon'ble the Revenue Minister to see if he can do anything to enable the tenants-at-will who, according to all schools of thought in this House, happen to be the largest class of tenants to acquire the occupancy rights which under this Bill will now be conferred upon a very limited number of tenants.

Sri J. MOHAMED IMAM.—I would like to know how long this will go on. Tomorrow we have Budget which will take a long time. Some of us are also anxious to speak on this.

Mr. SPEAKER.—I do not like to prescribe time limit so far as discussion on this Bill is concerned.

Sri T. MARIAPPA.—Mr. Speaker, Sir, it is not a little surprising that the Report of the Select Committee has evoked a lot of criticism when it was presented to this House. Sir, it is not without meaning that some of the members have taken a great deal of trouble to understand and ventilate their opinion and urged the need for making necessary amendments to the report of the Select Committee or to the Bill as finally emerged out of of the Select Committee. Sir, the House is, indeed, grateful to Sri M. V. Rama Rao who has taken a great deal of trouble with a view not only to understand but also to bring home to the House the real

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implications of the reforms contemplated under the Bill. Without tiring the House, Sir, I would like briefly to relate the circumstances which led to the inam legislation. Even in the past attempts were made with a view to regulate the relations between the inamdars and the tenants. However restricted that regulation might have been the interest was not wanting on the part of the authorities in those days when they saw the miserable plight of the tenants in many of these inam villages and that indeed was the reason why the representatives of the people had to press the claims of the tenants in these inam villages.

Therefore, several Committees were appointed and they had gone into this question. During those days the idea was merely to regulate the relation between the inamdar and the tenant. Owing to the efforts made, one set mainly of tenants was recognised and they were called the kadim tenants. Their position is secure not only in the present Bill but even under the Land Revenue Code. In course of time, other sets of tenants also grew up and attempt is now made for the first time to recognise the rights of permanent tenants, quasi-permanent tenants as well and to give them a secure place in the Statute.

After the advent of freedom, efforts have been made all over India to bring in necessary and progressive land reforms. Mysore did not lay behind and in the year 1948 Government took steps to constitute a Committee to go into this question of land reforms. As the matter was urgent the Re-forms Committee submitted an interim report and an exhaustive one though it was an interim report, so that the Government could undertake legislation on the lines indicated therein. That report has been printed along with the main report and some of the Hon'ble Members have made a very detailed reference to the interim report. It is true that in undertaking land reforms-which vitally affect the social structure of our society, great care has been taken to see that no injustice is done to any section of the community. No discrimination is introduced in the legislation, which would do injustice to any section of the community. It is also to be borne in mind that while safeguarding the interests of the tenants, nothing need be attempted which would place the inamdars in a very disadvantageous position.

It is admitted on all hands that tenants in inam villages belong to what are called vulnerable section of the community. In most of the Inam villages—I am not speaking in the manner of a complaint; some of these are facts—in most of these inam villages, unfortunately the tenants have not been able to secure proper documents, either vouchers or documents of title to the lands they have been cultivating for a long time. It is true in some of these villages, the kadim tenants are in a better or most secure position. But there are a large body of other tenants whose relationship with the inamdars is governed more by oral agreement, more by the generosity with which the inamdar treats him than upon any right which the tenant himself has acquired by a long cultivation of the land given to him. Even the tenancy legislation in Mysore is new. That perhaps was not able to do any justice to the tenants in these inam villages. Moreover, the inam tenure itself is a feudal relic of the pastand it is necessary also that such a tenure should be abolished and brought in line with the unalienated villages that exist in Mysore. While conceding that proper safeguards should be afforded to all those who are likely to be affected under this Bill, it must be clearly borne in mind that any step we now take, any step that we contemplate under this Bill should not in the least affect, or should not be later on called a discreminatory legislation when its principle is to be extended to other Government villages. We must keep that very clearly before us. It is only then we will be able to do justice to the people to whom this legislation is directed. The Committee on Land Reforms has indeed done very good work in this behalf. They have classified the tenants in these inam villages

under kadim tenants, permanent tenants, and quasi-permanent tenants. May I draw the attention of this House to the very salutary legislation which was brought in in the year 1951 ? These three classes of tenants have been recognised under that Bill and what is more, the inamdar's *khas* possession had been dealt within that Bill though in a very restricted manner according to some of my friends here. It is true that in the situation obtaining in some of these villages it would indeed be very difficult to make a distinction between the lands in the *khas* possession of the inamdar and in the possession of the quasi-permanent tenants. In many of these villages, in some of these villages, we have been seeing the agitation sponsored by the raiyats. There most of the tenants have always been tenants from year to year or tenants-at-will. In such cases it would be very difficult to find out exactly whether the land either belongs to a tenant-at-will or the land remains in the *khas* possession of the inamdar. When the Reforms Committee was confronted with the situation, they necessarily had to look into the actual situation in the inam villages. They found that if the inamdar is allowed an opportunity to possess all the lands which he considered to be in the possession of the tenants-at-will, a large body of these temporary tenants or tenants-at-will or if a little extended, quasi-permanent tenants will be thrown on the streets. It is that thing that prevailed upon the members of the Committee and they suggested that the area which the inamdar is able to cultivate with his own effort-with hired labour or with his own stock—should be the land which must be deemed to be in his *khas* possession. An argument is also advanced that such a restricted definition would make most of these inamdars refugees in their own inam villages. While conceding that it may be so in a few cases, the other side of the picture, namely, that a large body of tenants, tenants who are deemed to be tenants-at-will, tenants who have been cultivating for a long time, though not recognised as kadim tenants but yet had acquired all the rights of kadim tenants, what should happen to this large body of those tenants-at-will. It is that thing which perhaps prompted my hon'ble friend Sri Linga Reddy to write a dissenting note and plead that the character of the Bill itself is entirely changed when it emerged out of the Select Committee.

Sir, there is a lot of force in what Sri Linga Reddy says. The Select Committee has not even taken the suggestions of the Land Reforms Committee. They have gone beyond the scope of the original Bill. They have narrowed down the relief that ought to go to those who direly need it. With that end in view, he took a position which was consistent with the suggestions made in the Land Reforms Committee. Sir, there were other friends also who equally insisted that the relief given under the Bill as drafted by the Select Committee highly restricted its scope and leaves a large body of tenants untouched. Sir, there was an argument that these quasi-permanent tenants who have been left out from the Bill, may come under the ordinary tenancy law which is in force in Mysore. I need not now go into the question of applicability of tenancy legislation to this large body of tenants. My anxiety is this: While abolishing the inam tenure, every step must be taken to safeguard the interest of those people who are vitally affected by this legislation. I am equally anxious that however small the number of inamdars may be, their interests also must be safeguarded to the extent possible. It is here, Sir, that Sri Rama Rao has indeed argued in favour of doing the barest justice. We must be just before we could be generous. That is what he has pointed out. I concede that we must do justice to the inamdars as well while doing justice to one set of tenants or one section of the community. Sir, there is another point which should merit the kind consideration of this House. While dealing with the permanent tenants, it is true that the Select Committee has enlarged the definition of a permanent tenant. But that, in my opinion, does not bring in a large body of quasi-permanent

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tenants, who in their opinion, deserve the utmost consideration. The intention has not been translated into concrete form in the definition which the Select Committee has put forward in their report. On the other hand, the position which was given to quasi-permanent tenant either in the original Bill or in the Bill of 1951 has been taken away. A quasi-permanent tenant was one who had at least cultivated for a period of six years before 1948. The Committee suggested that date because it was then that the constitution of the Committee was announced and rightly they thought that the inamdars being shrewd, as they are, would necessarily safeguard their interests either by alienating or substituting fresh set of tenants in place of the old tenants. Sir, it has come to my knowledge that in many cases most of the old tenants have been disturbed or evicted or have been dispossessed. This has happened not only in Mysore but in other parts of India as well. The very sponsoring of a reform like this has set people thinking and many shrewd zamindars in other parts of India have taken steps to substitute new set of tenants under the guise of their being their own old tenants and a large body of old tenants have been dispossessed.

Sir, I had an opportunity of seeing West Bengal, Orissa and Vindhya Pradesh. Most of the old tenants had a very sorry tale to tell us. Therefore, it is very necessary here as well to safeguard the tenants who were actually cultivating at the time when the Constitution of the Land Reforms Committee was announced. Advisedly, that phrase was used and unfortunately, the Select Committee has proposed to omit that definition. But I hope the Hon'ble Minister for Revenue will see the justice of this case and reintroduce the definition of quasi-permanent tenant and ensure that his interest is also safeguarded in the Bill by means of an amendment.

Sir, another anxiety which was expressed is that in our anxiety to do good to the tenants in inam villages, it may land us in trouble when the extension of the very same priniciple comes to be considered in relation to tenants in Government villages. The question was posed: "how many are going to accept that principle when that principle is sought to be introduced in the case of a large body of tenants in Government villages". Sir, it is true that the extension of the principle will certainly cause some flutter in the minds of those people who own large areas in Government villages or where the services of the tenants are made use of in having occupancy areas cultivated. It is true that any land reform will not be complete unless ultimately the cultivator or the tiller is recognised as the owner of the land. But that should not deter us from going to the extent to which we are prepared to go in this legislation. It is true that this legislation may not be pushed to its very logical extent in the Bill and it is not necessary either. What is needed now or what is contemplated now is the safeguarding of the interests of not only the kadim tenants, the permanent tenants and the quasi-permanent tenants, but the interests of the inamdar in the area which has been exclusively reserved for him for his own personal benefit and not the area which he has intentionally leased out to a large body of quasi-permanent tenants. Sir, if I can go one step further and say that indeed is very unfortunate that the inamdars have not been able to give real protection or recognise the right of their own tenants, people who have served these inamdars well for over a long number of years. If the inamdars had recognised the right and given them what is exactly their due, that would have earned for them a place in the heart of the large body of tenants who have been living in inam villages. Having regard to human nature, it has, therefore, become necessary that we should take the situation as it exists today, not what it ought to exist. That is the very reason why a firm action has to be taken to see that the interests of the cultivators in inam villages should be safeguarded.

4-30 P.M.

Sir, I would like to make a suggestion to the Hon'ble Revenue Minister in defining both a permanent tenant and a kadim tenant. The original definitions in the Land Revenue Code were conceived of when the tenure of the inamdar was never contemplated to be abolished. When we are now abolishing the tenure of the inamdar himself, we need not define them as co-extensive with the tenure of the inamdar. It is not necessary. I hope though he differed from me sometime ago.....

Sri Kadidal MANJAPPA.—Still differ.

Sri T. MARIAPPA.—...he would now see appropriateness of such a definition being made to agree with the present context now that we are abolishing the inam tenure. Sir, this legislation also had a chequered career unfortunately in Mysore. After the interim report was submitted, a comprehensive Bill was drawn up to abolish all kinds of inams. Sir, the suggestions made were broadly on the idea that prevailed at the time. After the passage of a little time, the public opinion did not materially alter. But unfortunately we find that the comprehensive bill was dropped and a bill affecting the personal inams was brought forward. That again had a chequered career and as it finally emerged out of the Select Committee, we find...

Sri J. MOHAMED IMAM (Jagalur).—Again a chequered career ! !

Sri T. MARIAPPA.—No, it will be passed this time. We find these difficulties. I can tell my Hon'ble friend on the opposite side that they need not be under any delusion whatever. This Bill is going to be finalised and all the tenants in these inam villages will have their interests duly safeguarded.

Sir, again, we have to undertake legislation with regard to religious inams. Even here, I hope, this Hon'ble House will make up its mind to abolish all kinds of inams, whatever may be their application to certain inams, whatever be the antiquity of these inams. While preserving the sanctity of the institutions to which they were attached,—I do not lag behind anybody in this House in safeguarding either the sanctity or the usefulness of institutions,—but the tenure as such is a relic of the past, is a feudal relic and the sooner it goes the better for us. The present Bill is highly restricted and is mainly with regard to personal inams. Sir, I am certain that the House would accord its approval to the Bill, not as it has emerged out of the Select Committee, but to the Bill as it would be amended incorporating all the suggestions that have been made in this House. I hope, Sir, all the suggestions will be embodied. The necessary amendments would be made. There could be no difference of opinion between the Hon'ble Minister for Revenue and this part of the House because what is contemplated by us is equally contemplated by him and he has already indicated his willingness to incorporate some of these suggestions which would be in the nature of clarifying the doubts that have been expressed, and safeguard the interests of a large body of quasi-permanent tenants, while at the same time recognising and safeguarding the interest of the inamdar. Perhaps it is not his interest either to jeopardise the interest of the inamdar.

Sir, Sri Rama Rao has said a lot with regard to the compensation that has to be paid. I am not prepared to traverse the same ground again. Suffice it to say that the compensation provided in the Bill as it has emerged out of the Select Committee is indeed very conservative in its scope. Perhaps it is based on this consideration, namely, that these tenants have not only paid for the lands when they first obtained it from the inamdar but have continued to cultivate it, have improved it at their own expense ; and most of the inamdars, I am certain, have not contributed to the improvement of these lands.

It is that thing which must have promoted the members of the Select Committee to put a very conservative estimate of the value of the holdings. Sir, it is true that in the original Bill drafted in 1951, a little more money was provided for. That was because

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it was contemplated to have a contented set of inamdars, while the rights of tenants in inam villages were enlarged.

Another factor which should be noted by the Hon'ble Minister for Revenue, who is in charge of the Bill, is this, that the year 1948 is a year, which for the first time, saw a legislation which gave protection to the tenants. Sir, that should not prove merely an illusion. A number of instances have come to my notice where sales have been effected, where for consideration or otherwise properties have been sold. Sir, without having regard to the provisions of the interim measure, sales have unfortunately been recognised. In all such cases there was a provision in the original Bill that they should be void in case they have not complied with the provisions of the original Bill. That does not find a place now, and I urge with justification that all those tenants who have been affected, who have been dispossessed or who have been turned out should be reinstated, should get back their possession. Sir, very recently we had an instance in the case of Tenancy legislation that the dispossessed tenants have been restored when they made an application to the Amildar. Sir, such a provision is absolutely necessary because of the helpless tenants who have been evicted, in some of the inam villages.

There is another question, Sir, which I would like to place before this House. That is with regard to the area in the inam village or the extent of land that should be registered in the name of the inamdar. Sir, divergent opinions have been expressed with regard to the particular aspect of this case. While some urge that all the lands except those registered in the name of the kadim tenant, in the name of the permanent tenant should be entered in the name of the inamdar.....

Sri A. BHEEMAPPA NAIK.—Quasi-permanent tenant ?

Sri T. MARIAPPA.—I will come to that. Sir, there is another opinion which says that all the lands except those belonging to kadim tenants, permanent tenants and quasi-permanent tenants should be registered in the name of the inamdar. Sir, there is equally an insistent opinion that only that much of extent of land which he is cultivating or which he is getting cultivated by hired labour or with his own stock should be entered in the name of the inamdar—Sir, perhaps these opinions may not, or, are not irreconcilable ; it should be reconciled in this way : wherever the inamdar has reserved certain area in his own village for his personal benefit, for his personal cultivation in the sense that he not only gets it cultivated through hired labour, but also through his own tenants, apart from the area where he has intentionally leased out to a large body of tenants residing in his village should be entered in his name. What has become complicated now will not be so complicated when a little more effort is made to restrict the extent to which he would be entitled to under this Bill.

After recognising the rights of kadim tenants, permanent tenants and quasi-permanent tenants, I believe, and I hope—it may not turn out to be a mere hope I believe—that the interests of a large body of tenants would be safeguarded. What is legitimately due to the inamdar will only be left thereafter. But, Sir, some of my friends very sincerely and very justifiably urge that in some of the villages a large area of land has been reserved and there are no records to prove that the tenants have acquired any rights. The inamdar has contrived to keep it under his personal control though he was receiving the rent in cash, not even in kind. Even in such cases, Sir, it would be difficult to prove or difficult to convince the courts to recognise the rights of these tenants, because, they have not the necessary documents of title or even receipts for having paid the rent in cash. Such cases, according to some of my Hon'ble friends, are many. If that is so, perhaps that requires a little more careful examination and if after enquiry it is found that efforts have been made to deprive these tenants of the legitimate right of keeping their names entered with

regard to the areas they have been cultivating, then there would be time enough to consider such a question again.

So far as the present Bill is concerned, I agree with my friend Sri Bheemappa Naik. We would be doing a great deal and conferring a great deal of benefit on this large body of quasi-permanent tenants, who would otherwise be left out by introducing this clause to protect their interests.

Sir, there is another class of inamdars who deserve some sympathy at the hands of this House. The Hon'ble the Revenue Minister himself has pleaded for it. The large number of small inamdars owning 20 acres, 30 acres, who are no more than the kadim tenants in their own inam village, who are no better than the permanent tenants, must be safeguarded. Sir, I believe when a legislation is undertaken in the very interest of those people who are considered to be a very vulnerable section of the community, equal justice will have to be done to the inamdars also. I hope their cases will also be taken into account at the time of introducing the amendments. Sir, I am now putting forward a novel suggestion. To the ears of the lawyers it may perhaps sound very strange.....

Sri J. MOHAMED IMAM.—Not to us.

Sri T. MARIAPPA.—It would have been better if Sri Imam was a lawyer.

Sri J. MOHAMED IMAM.—I am a lawyer.

Sri T. MARIAPPA.—.....and it is this. Having consideration for the plight of this large body of tenants, recognising the dominant part which the inamdar has been playing in his own village, recognising that the inamdar has not passed documents of title to his own tenants, recognising that in most cases that the tenants are at the mercy of inamdars, recognising that the tenants have been paying land revenue either in cash or in kind without any protection all these years, recognising the helplessness of these tenants, it would meet the ends of justice by raising a presumption of the tenancy in favour of tenants and the burden of proof that they are not tenants either quasi or permanent, should be on the inamdar. He is, Sir, in a position to defend himself, is in a position to adduce evidence, is in a position to secure his own rights. Therefore, in those circumstances it would not be too much, it would not be considered too much if we place or if we shift the burden of proof to the inamdar. It is true ordinarily that a man who holds tenancy in a inam village and cultivating land will be the tenant of the inam village and it has been tried to regulate this from time immemorial, ever since 1881. Therefore, it would be right in suggesting that the Hon'ble Revenue Minister would see to this. It would be an equitable presumption. It would not hit the inamdar hard. It would give some scope of defence to the tenant. The very fact that the tenant lives in the inam village, the very fact that he is cultivating the land, unfortunately, it would be an oral evidence as against the documents of the inamdar who will be in possession of them. Sir, these are my suggestions and I hope these suggestions would find themselves favourable in the hands of the Hon'ble Revenue Minister. The other points have already been dealt with by the other members of this House and it is not necessary to dilate on those points.

Sir, speaking for myself now, in spite of the fact that the *khas* lands have been omitted, omitted advisedly according to some, but still I feel the definition of *khas* lands ought to have been attempted and ought to have been retained though its scope could have been increased by a suitable amendment, the definition contemplated in the original Bill, 1951 or in the new Bill which was sponsored before it was referred to the Select Committee. There, the inamdar could have been confined to an area which was sufficient for himself and his family. A little anxiety lurks in my mind that in spite of our best efforts to secure justice for kadim tenants, permanent tenants, quasi-permanent tenants, I still believe that larger areas would be still left in the hands of inamdars.

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Other members have urged that all the other areas—the communal lands, the forest areas, the tank-beds—should be entered in the name of the Government. In large cases of these tank-beds, a peculiar situation obtains to-day. Except in a few inam villages, in most of the other inam villages, tanks are in a state of disrepair and the inamdars have disposed of the tank-beds. In such cases, if the tank-beds have been taken out of the category of the lands to be enumerated under these sections, then a good deal of injustice would be done to that body of persons who never contemplated that their possession would be disturbed at some future time. Though in the records the tank-beds are still mentioned as tank-beds, most of these tank-beds have been disposed of; and that wherever the tenants have cultivated these tank-beds for a long number of years, and if they come under any one of these definitions, their interests may be safeguarded, is another of my suggestions.

With these few words, I request the Hon'ble Minister for Revenue to introduce the necessary amendments suggested by a number of my honourable friends and to enable him to do so, I would request the Hon'ble Speaker to permit this Bill to be taken up either to-morrow or day after so that the Minister could have sufficient time with a view to bring forward the necessary amendments.

Sri J. MOHAMED IMAM.—I may make a submission. Dr. Nagan Gowda has invited all the members of this House to visit the Hebbal Farm. We have only five minutes more. We may now adjourn.

I also make a request that further discussion on this Bill may be taken up on Monday or Tuesday. To-morrow is the day intended for the presentation of the budget.

Mr. SPEAKER.—The House will now rise for the day and meet to-morrow at 8-30 A.M. Between 8-30 and 9-30 questions and answers. From 9-30 till 10-30 some Bills will be taken up. From 10-30 to 11 interval. The presentation of the budget will be at 11 A.M.

The House adjourned at Fifty-four Minutes past Four of the Clock to meet again at Thirty Minutes past Eight of the Clock on Saturday, 6th March 1954.